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CIVIL ACTION NO. 3:14-CV-0022-BK

PLAINTIFF'S 3RD AMENDED COMPLAINT

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I. BACKGROUND

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has taught during his 17 years as a bilingual teacher around 500 bilingual students. Plaintiff has always been graded as a proficient bilingual teacher in all 8 domains in his yearly evaluations. However, during the 2011-2012 school year Plaintiff was failed in 3 out of 8 domains by Assistant Principal Garza, which meant that the following year Plaintiff would not be allowed to receive the annual raise that all teachers would be receiving. Also, it meant that Plaintiff would have to be put on (growth plans), which indicated that Plaintiff needed training in teaching bilingual students. However, this Garza evaluation on Plaintiff was rescinded by DISD, because assistant principal Garza had failed to follow the guidelines of TEA. During the 2013-2014 school year, DISD brought in a new out of state principal Dr. Sheryl Wilson, who immediately began to target Plaintiff at the beginning of the school year. Principal Wilson placed Plaintiff on 2 growth plans and failed Plaintiff on 8 out of 8 domains in his yearly evaluation. This meant that DISD could legally non-renew Plaintiff's 2014-2015 contract without any questions, since this proved that Plaintiff was a bad teacher. Plaintiff filed suit against DISD on January 3, 2014, and DISD proceeded to terminate Plaintiff at the end of the 2013-2014 school year. Plaintiff contends that the main reason DISD terminated him was because he filed whistleblower complaints against DISD, principal Wilson, assistant principal Garza, former principal John Donnelly, and Executive Director Jacqueline Lovelace.

II. DISCUSSION

The Court having dismissed all claims except Plaintiff's claim under the Texas Whistleblower Act against the above defendants, proceeds to provide the specific sections under **19 TAC CH.89**, that Defendant DISD violated.

Plaintiff complains that Defendant DISD violated the following sections as outlined

under **19 TAC CH.89.**

§89.1201. Policy (a)(3) It is the policy of the state that every student in the state who has a home language other than English and who is identified as an English language learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program, as required in the Texas Education Code (TEC), Chapter 29, Subchapter B. To **ensure equal educational opportunity**, as required in the TEC, § 1.002(a), each school district shall:

(3) **seek certified teaching personnel** to ensure that English language learners **are afforded full opportunity to master the essential knowledge and skills** required by the state;

Plaintiff complains that DISD did not seek certified teaching personnel during the 2011-2012, 2012-2013, and 2013-2014 academic school years. In fact, during the 2013-2014 school year, Principal Wilson and Assistant Principal Garza reported to DISD that elementary school Gilbert Cuellar Sr. had enough certified bilingual teachers, and further indicated to DISD that principal Wilson was a certified bilingual teacher and that she was teaching 20 bilingual students. **See Exhibit A.** This was not true, it was misrepresented information provided to DISD. This misrepresented information to DISD would tell DISD not to look for more certified bilingual teachers for Cuellar Elementary. This misrepresented information would also deprive the bilingual students of an equal educational opportunity and full opportunity to master the essential knowledge and skills required by the state. In hiring a bilingual teacher rather than a general education teacher DISD is required to pay the bilingual teacher a bilingual stipend of \$3000 dollars. Exhibit A shows that there were 7 substitute teachers besides Wilson. If we do the math, DISD saved

\$3000 x 8= \$24000 dollars by not hiring the bilingual teachers for Cuellar. This 2014-2015 school year DISD requested 167 waivers from TEA, because DISD could not find certified bilingual teachers for the bilingual students. If we do the math again, \$3000x 167=\$501,000 dollars DISD saved (DISD has over 200 schools with bilingual students) by not hiring certified bilingual teachers. In using substitute teachers who do not even speak Spanish DISD is in violation of **19 TAC CH. 89. § 89.1201** by failing to seek certified teaching personnel, and failing to ensure an equal educational opportunity to the bilingual students who attend the DISD schools. Plaintiff contends that he was the WHISTLEBLOWER- plaintiff called and told TEA, DISD, OPR, and DISD BOARD. **See Exhibit B. B1, & B2.** Plaintiff blew the whistle on Asst. principal Garza and principal Wilson when they falsified the NUMBERS AND LEGAL DOCUMENTS, stating Principal Wilson was a Bilingual Teacher to make the school look okay. Defendants Garza and Wilson deprived bilingual students of an equal opportunity and full opportunity of mastering English.

§89.1201(a) (4):

Plaintiff complains that Defendant DISD also violated **§89.1201(a) (4)**; To ensure equal educational opportunity, as required in the TEC, **§1.002(a)**, each school district shall:

(4) **assess achievement** for essential knowledge and skills in accordance with the TEC, Chapter 39, to **ensure accountability** for English language learners and **the schools that serve them.**

Plaintiff complains that DISD and principal Wilson could not assess achievement and ensure accountability for the English language learners and **ACCOUNTABILITY** of the **SCHOOLS THAT SERVE THEM**, when Principal Wilson, in fact, is not a certified bilingual

teacher, and thru misrepresented information in Exhibit A.

§89.1201(d):

Plaintiff complains that Defendant DISD also violated §89.1201(d);

(d) Bilingual education and ESL programs shall be integral parts of the total school program. Such programs **shall use instructional approaches designed to meet the special needs of English language learners.** The basic curriculum content of the programs shall be based on the essential knowledge and skills required by the state.

Plaintiff complains that DISD and principal Wilson failed to provide Plaintiff with the technology that Plaintiff needed in order to meet the special needs of his English language learners. **See Exhibit C**, which details Plaintiffs 3rd request for classroom technology dated 9/27/13. Two months into the school year the bilingual students were still without the needed technology that Plaintiff was entitled to have. Bullet #7 of Exhibit C, states that principal Wilson had agreed to provide Plaintiff with technology for the 2013 school year, but, on 9/27/13, Plaintiff still did have it, and the DISD district still had not come to fix Plaintiff's homeroom computer and white board. Principal Wilson failed to provide Plaintiff with a projector (Elmo), an infocus machine, **(all the other younger teachers had been provided with projectors and infocus machines, even the substitute teachers)** and bilingual textbooks that Plaintiff needed to meet the special needs of English language learners. Plaintiff blew the whistle on principal Wilson by telling Lew Blackburn DISD Board Member, Chris Lyles/Office of Professional Responsibilities/ OPR, Josie Gutierrez/Assistant Superintendent, and Jacqueline Lovelace/Executive Director.

§89.1201 Policy (b).

DISD failed to meet the special needs of the English language learners therefore

also failed to meet the following goals of §89.1201 Policy (b).

(b) The goal of bilingual education programs shall be to enable English language learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. Such programs shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English language learners to participate equitably in school.

Plaintiff contends that without technology the bilingual students could not listen to the same instructions that the other students could, and without Spanish and English textbooks they could not read as the other students could. Assistant Principal Garza had admitted that textbooks in English and Spanish for the bilingual students had not been ordered for the 2013-2014 school year because of the new adoption that DISD was getting in 2014. Plaintiff contends that DISD saved millions of dollars by not ordering books for the bilingual students for the 2013-2014 school year, and this was another failure of DISD to meet the special needs of the English language learners. If we do the math again we can see how DISD cut costs, (average cost for 1 textbook is \$50.00, Cuellar had over 300 bilingual students in 2013-2014), ($\$50.00 \times 300 = \$15,000$ dollars, DISD has over 200 schools with bilingual students), ($\$15,000 \times 200 = \$3,000,000$ dollars savings by not ordering bilingual textbooks).

§89.1210. (A),(B),(C) PROGRAM CONTENT AND DESIGN.

Plaintiff complains that Defendant DISD is also in violation of **§89.1210. (a):**

(a) Each school district required to offer a bilingual education or English as a second language program shall provide each English learner the opportunity to be enrolled in the

required program at his or her grade level. Each student's level of proficiency shall be designated by the language proficiency assessment committee in accordance with §89.1220(g) of this title (relating to Language Proficiency Assessment Committee). **The school district shall modify the instruction, pacing, and materials to ensure that English language learners have a full opportunity to master the essential knowledge and skills of the required curriculum.** Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their home language or in English for each content area.

Plaintiff contends that DISD failed by not modifying the instruction and pacing of the bilingual students, and failed to provide the required materials including textbooks, technology, and bilingual certified teachers and bilingual teacher aides. This failure by DISD resulted in the English language learners not having a full opportunity to master the Essential knowledge and skills of the required curriculum. Plaintiff was scored below by principal Wilson due to the pacing of the bilingual students. Principal Wilson could not understand that the pacing of instruction with English language learners is slower than the pacing of the general education students. Principal Wilson had never taught a single bilingual student and did not speak Spanish, so how could she tell Plaintiff that his instruction was bad instruction. Plaintiff blew the whistle on Principal Wilson and was retaliated in his yearly evaluation by Principal Wilson failing Plaintiff on **all 8 domains** of his yearly evaluation.

(b) The Texas Education Agency (TEA) **shall develop program guidelines to ensure that the programs are developmentally appropriate, that the instruction in each language is appropriate,** and that the students are challenged to perform at a level commensurate

with their linguistic proficiency and academic potential.

Plaintiff complains that DISD failed to develop program guidelines to ensure that the programs were developmentally appropriate, and the instruction in each language was appropriate. Principal Wilson told plaintiff that he could not speak nor teach his students in Spanish during instructions. These students were 1st grade students who could not understand English and thus needed Spanish instruction that was appropriate. Plaintiff was scored below and failed on his yearly evaluation for instructing English language learners in Spanish.

(c) In bilingual education programs using Spanish and English as languages of instruction, school districts **shall use state-adopted English and Spanish instructional materials and supplementary materials as curriculum tools** to enhance the learning process; in addition, school districts may use other curriculum adaptations that have been developed.

Plaintiff contends that DISD failed in providing his bilingual students with the state-adopted English and Spanish instructional materials as curriculum tools to enhance the learning process of his bilingual students. Principal Wilson finally provided a limited amount of math textbooks 4 weeks before the state tests were going to be taken by plaintiff's bilingual students. In addition, Principal Wilson finally provided Plaintiff with an Elmo and an In focus machine on March 21, 2014, 3 weeks before the state tests were taken by plaintiff's bilingual students. **See Exhibit D.**

PLAINTIFF CONTENDS THAT DISD WAS IN VIOLATION OF § 89.1210(C) WHEN DISD FAILED TO PROVIDE PLAINTIFF AND HIS BILINGUAL STUDENTS WITH INSTRUCTIONAL MATERIALS AND SUPPLEMENTARY MATERIALS AS CURRICULUM

TOOLS. WHERE WERE THE TEXTBOOKS, PROJECTORS, AND WORKBOOKS?

PLAINTIFF REPORTED TO ALL PARTIES. LOOK HOW LONG IT TOOK TO GET THESE TOOLS. PLAINTIFF BLEW THE WHISTLE AND EXPOSED THEIR SHORTCOMINGS, SO THEY RETALIATED AGAINST PLAINTIFF.

§ 89.1210(C)(1) AFFECTIVE. English language learners shall be provided instruction in their home language to introduce basic concepts of the school environment, and instruction both in their home language and in English, which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall address the history and cultural heritage associated with both the students' home language and the United States.

Plaintiff contends that DISD failed to instill confidence, self-assurance, and a positive identity with their cultural heritages as per **§89.1210(c)(1)** when DISD allowed Principal Wilson to bring in 8 teachers on one occasion, and 10 teachers on another occasion to evaluate the students and the teacher without parental consent. One of the students suffered a severe nervous reaction and had to go to the doctor. Another student was frightened because she taught the teachers were going to take her away just like soldiers had taken her father away. Fifteen students of plaintiff's classroom were emotionally distraught by the unreasonable excessive visits and on occasion(s) numerous teachers coming into their classroom. The students' perception that Plaintiff, Mr. Hernandez is being visited excessively (49 spot observations, DISD Policy was 12 for the year, and all the other younger teachers got only 12) by the principal casted serious doubts and concerns of their role model. These concerns were voiced by Plaintiff's students (one student actually asked Plaintiff "are you going to get fired Mr. Hernandez") and students'

parents to Plaintiff. These unreasonable excessive visits did not create a conducive environment for learning nor promote growth for confidence, self-assurance and a positive identity with their cultural heritages. Students witnessed first hand their peer(s) yanked and pulled by the arm off the floor by principal Wilson. Students witnessed first hand one of their peers chased around in a classroom by assistant principal Garza, as their peer frantically ran for safety, unfortunately fell crashing to the floor and splitting his forehead on a desk. Wilson and Garza failed to file a report with either DISD and CPS. Plaintiff followed DISD policy and filed a report with DISD and CPS against Wilson and Garza. (See Report #'s 64390644, Dated 1/17/14, and Report # 119498192 Dated 3/31/14. DISD should have copies of these CPS reports).

Plaintiff reported and exposed principal Wilson and assistant Garza's deleterious and irrational behavior to Child Protective Services and DISD. Plaintiff reported to DISD and CPS the emotional breakdown and deterioration of mental health and well being of his students. One student would cry daily (Plaintiff asked this student why did she cry everyday and the student said she was afraid of the teachers returning to the classroom) due to the excessive amount of teachers that principal Wilson had brought into their classroom. Plaintiff contends that DISD is seriously delinquent in, **§89.1210 (C)(1)**, instilling confidence, self-assurance, and a positive identity with their cultural heritages. **§ 89.1210(C)(2) LINGUISTIC.** English language learners shall be provided instruction in the skills of listening, speaking, reading, and writing **both in their home language and in English.** The instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills **in all subjects.**

Plaintiff contends that he was warned not to instruct his bilingual students in Spanish, which is a clear violation of **19 TAC Ch. 89**. Plaintiff was moved from teaching 5th Grade Students to teaching 1st Grade Students without providing him with any training, materials, textbooks, technology, or a bilingual aide. Plaintiff taught science and social studies during the 1st semester, and then was moved again during the 2nd semester to teach math without any training or materials, textbooks, technology or a bilingual aide. Principal Wilson then assigned a retired substitute teacher assistant (who did not speak any Spanish) to instruct Plaintiffs students in science and social studies in English, which was a clear violation of **19 TAC Ch. 89. and § 89.1210 (C)(2)** in order for bilingual students to develop and master "Linguistic" educational development. Plaintiff blew the whistle when he informed DISD, OPR, TEA, and Board Members about this **FALSIFICATION**, and that Principal Wilson had **falsified documents** as being a certified bilingual teacher. Principal Wilson and DISD failed to comply with **§89.1201(a)(3)**, in the best interests of the Bilingual students. DISD and principal Wilson failed to make all reasonable efforts to find the right teacher for the bilingual students. Unbeknownst to the bilingual students, their education was compromised by the falsification of documents by principal Wilson and assistant principal Garza. Again, Plaintiff reported and exposed Defendants Wilson and Garza's unethical and unprofessional behavior, which too fell upon deaf ears. Plaintiff's bilingual students did not deserve for principal Wilson to lie to DISD about their needs being met, when in fact Wilson and DISD were not meeting the bilingual students/program needs under **19 TAC Ch.89**.

Defendants responded by retaliating against Plaintiff by continued unreasonable excessive visits to Plaintiff's classroom, scoring Plaintiff poorly on evaluations, and ultimately non-

renewal of Plaintiff's employment contract.

§ 89.1210(C)(3) (COGNITIVE. English language learners shall be provided **instruction in language arts, mathematics, science, and social studies both in their home language and in English.** The content area instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.

Plaintiff contends that principal Wilson, assistant principal Garza, and DISD violated **§89.1210(C)(3)** when they failed to provide Plaintiff and Plaintiff's students instructional materials and supplementary materials as curriculum tools, and certified bilingual teachers in order for bilingual students to develop and master "Cognitive" educational development as per **§89.1210(C)(3).** Defendants responded by retaliating against Plaintiff by continued unreasonable excessive visits to Plaintiff's classroom, scoring Plaintiff poorly on evaluations, and ultimately non-renewal of Plaintiff's employment contract.

III. CONCLUSION

Plaintiff contends that DISD failed by having uncertified substitute teachers who could not read, write or speak Spanish, instruct the bilingual students at Cuellar Elementary. Plaintiff blew the whistle and was terminated. All the above defendants still are employed by DISD, some have been transferred to another position. Plaintiff's contract was non-renewed for 2014-2015. One of Principal Wilson's and Executive Director Jacqueline Lovelace reason to DISD for recommendation to terminate/non-renew Plaintiff was, **"BEHAVIOR THAT PRESENTS A DANGER OF PHYSICAL OR MENTAL HARM TO A STUDENT OR TO OTHER INDIVIDUALS".** SEE EXHIBIT E. Plaintiff is on unemployment compensation and is having a difficult time finding another teaching job due to this false

and defamatory impression that has stigmatized Plaintiff's record and reputation as a 17 year certified bilingual teacher. Plaintiff has applied to 4 school districts with openings for bilingual teachers, but not one of them has called to interview Plaintiff. Plaintiff contends this is because DISD failed to investigate Plaintiff's allegations and retaliated against Plaintiff for being a whistleblower.

The following exhibits of parent letters that parents provided to Plaintiff to send to DISD further support DISD violations of **19 TAC CH.19.**

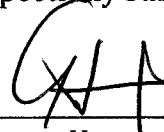
EXHIBITS F, F1, F2, AND F3.

The following exhibits of Cuellar teachers and of a former principal refute Principal Wilson and Jacqueline Lovelace's recommendation to DISD to terminate/non-renew Plaintiff.

EXHIBITS G, G1, G2, G3, G4, G5, G6, G7, AND G8.

Dated this 22ND day of December 2014.

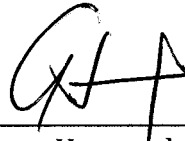
Respectfully submitted,



Gilberto Hernandez, Pro Se
850 Frances Drive
Grand Prairie, Texas 75052
469-426-5015
gihernandez@att.net

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Plaintiff's 3rd Amended Complaint, was served on Derrell A. Coleman, West & Associates LLP., 320 South RL Thornton Freeway Suite 300, Dallas, Tx 75203, attorney for Defendant "DISD", Defendant Donnelly, Defendant Garza, Defendant Lovelace, & Defendant Wilson, by mailing said copy at the foregoing address by certified United States mail, thereon, this 22nd day of December, 2014.



Gilberto Hernandez
850 Frances Drive
Grand Prairie, Texas 75052
469-426-5015
gihernandez@att.net



T.E.A. 276

Gilbert Cuellar Sr Elementary School

Dallas Independent School District

Division 5

376

2013 - 2014 Classroom Exception Data Verification Form

If ELL students are served by a Partner Teacher enter that teacher's ID GRADES 2,3,4 AND 5

ID Number	Instructor (Instr)	Job Code	Class Room	H.C.M. Certification (Bilingual and ESL shown only)	Spanish ELL Only	# of ELL	Program Design (Circle ALL that apply)
53991	TYRONIA HILL	8000	1A			0x	1 2 PT SC T E N
62642	RUTH ORTIZ	60F0	1D	BIL		20	1 2 PT SC T E N
61140	ARLENE CALDERON BA	60F0	1E	BIL		21	1 2 PT SC T E N
32059	GILBERTO HERNANDEZ	61F0	1F	BIL		21	1 2 PT SC T E N
57565	YANINA LARGUIA	60F0	2D	BIL		21	1 2 PT SC T E N
53725	NANCY MALAVE	60F0	2E	BIL		20	1 2 PT SC T E N
71726	SHERYL WILSON	2012	2F	SUB/BIL		20	1 2 PT SC T E N
39774	CHARRA SMITH	6000	3B			0x	1 2 PT SC T E N
7448	Gladis DeLuna		3D	SUB/BIL		21	1 2 PT SC T E N
46356	AGUSTIN RAFAELANO	60F0	3E	BIL		21	1 2 PT SC T E N
69381	Damelys Rodriguez		3F	SUB/BIL		20	1 2 PT SC T E N
9658	Willie Patch	60F0	4D	SUB/ESL		15	1 2 PT SC T E N
59406	VLADIMIR ACOSTA	60F0	4E	BIL		17	1 2 PT SC T E N
74878	Olga Ramos		4F	SUB/BIL		18	1 2 PT SC T E N
44770	TERESA WHITKER	61W0	5A	ESL		1	1 2 PT SC T E N
55923	VERLEDA CHRISTIAN	6160	5B	ESL		0x	1 2 PT SC T E N
63997	Casco David		5C	BIL		22	1 2 PT SC T E N
17448	Portia Greer		5D	ESL/SUB		22	1 2 PT SC T E N
68148	ERASMO MARES	61F0	5E	BIL		21	1 2 PT SC T E N
55702	MICHELE BLACK-WILLIS	6000	KA			0x	1 2 PT SC T E N
47761	BELKYS CAMPS	60F0	KD	BIL		20	1 2 PT SC T E N
32303	CECILIA NOVOA	60F0	KE	BIL		20	1 2 PT SC T E N
73774	JAZMIN LOPEZ GOMEZ	6000	KF	DALLAS AC INTERN		21	1 2 PT SC T E N
74621	LINDSAY COOPER	6062	PKA	ESL		0x	1 2 PT SC T E N
8932	JUANITA FLORES	60KB	PKB	BIL		18	1 2 PT SC T E N
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I certify that the information contained within this document is accurate and is reflective of information available at Human Capital Management and or T.E.A. state certification, and or Chancery databases. I understand that I am liable for any misrepresented information.

Principal Signature

Date

FAX THE ORIGINAL TO THE MLEP OFFICE NO LATER THAN SEPT 27, 2013

ATTN: GEORGE I-HERNANDEZ FAX 972-749-5791 or 972-749-5751

UPDATE CERTIFICATION FIELD FROM THE SELECTION BELOW:

Certification options: BIL or BIL-AC or BP bilingual (on permit)
 Certification options: ESL or ESL-AC or EP (on permit)
 other: PS (permanent sub) or NC (not certified)
 OTH (Other)

Program options: 1= ONE WAY 2=TWO WAY
 PT= Partner Teacher
 Triad = T ESL = E
 Self Contained = SC Newcomer = N

Note: Only classrooms with identified Spanish ELL students are shown.
 Prekindergarten and kindergarten numbers may not accurately reflect the total ELL enrollment. ESOL classrooms are compiled centrally.

Certification Data from H.C.M. date: Sept 8, 2013
 Classroom data from Campus DC input Sept 13, 2013

Exhibit B

November 1, 2013

To: TEA / Roberto Manzo

From: Gilberto Hernandez

Re: Bilingual Students Concerns At Gilbert Cuellar Sr. Elementary

Dear Mr. Manzo;

This letter is in reference to our conversation we had last month 10/02/2013, in regards to the Bilingual program at Gilbert Cuellar Sr. Elementary. As you may recall, I informed you of the neglected educational needs of the Bilingual students again not being met under 19 TAC Chapter 89, as they should be. The 5th grade students continue to be taught by uncertified Bilingual Teachers, uncertified Bilingual Substitute Teachers, and uncertified Bilingual Teaching Assistants. I mentioned that the LPAC coordinator was fully aware, and had repeatedly informed the administrators and teachers of their noncompliance with 19 TAC Chapter 89 and their deficiencies in meeting the educational needs of the Bilingual Students.

Furthermore, I made you aware that the principal had failed to notify the parents that their kids were being instructed by uncertified Bilingual teachers as per District Policy. The last thing I mentioned to you was the falsified report that was submitted to the school district MLEP Department by the assistant principal in which she states that Dr. Wilson (71726) is a Sub/Bil teacher teaching 20 students. You stated that the district had until November 1, 2013 to submit their Bilingual information to the TEA. You stated that it was wrong for the assistant principal to misrepresent this kind of information to the school district and then to TEA. This could have a serious affect on their funding.

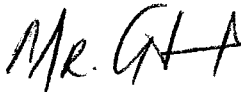
I know that I will be retaliated against by the school principal or the school district due to exposing them for being out of compliance with Title 89. However, my intent is to see that this district and this principal adhere to the law of servicing the educational needs of the Bilingual students. No school district, or principal is above the law when it comes to the education of Bilingual students. The students will always come first regardless of the consequences for those who speak out against injustices in the education system.

A district with over \$275 million should be able to provide certified Bilingual teachers to serve these Bilingual students. My concern now is that some parents have decided to withdraw their students from Gilbert Cuellar Elementary not only because of the poor instruction their children are receiving, but because of the outcries of these students in response to the mistreatment from these unqualified substitute teachers. As you investigate this matter, please contact the following parents so they can relate their experiences. Mrs. Miriam Benitez can be reached at 214-916-8156, and Mrs. Eva Sanchez can be reached at 972-913-1517.

In addition, I made the principal aware thru the school's climate survey about my concern about the poor instruction and mistreatment that the Bilingual students were subjected to. The principal acknowledged my concern at our staff meetings and agreed with my concern. However, the principal stated that the problem was with the district, since she had hired one Bilingual teacher in August but the district had yet to complete the hiring process. In view of the above concerns and incidents, I urge the TEA to expeditiously look into these matters for the sake of the present and future education needs of these Bilingual students.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mr. GHA".

Mr. Gilberto Hernandez

CC: Alliance AFT/Maria Alvear, Calvin Johnson, Rena Honea
Mr. Chris Lyles, OPR
Lew Blackburn/ DISD Board Member
Josie Gutierrez/ Assistant Superintendent
Jacqueline Lovelace/ Executive Director
Mary McCants/ EOC Manager

Exhibit B1.

On Oct 14, 2011, at 3:51 PM, Hernandez, Gilberto wrote:

From: Hernandez, Gilberto
Sent: Friday, October 07, 2011 3:52 PM
To: Caldwell, Brigitte C
Subject: RE: 6th grade LPAC concern

Dear Ms Caldwell, & Ms Clark,

I called TEA today Friday 07, 2011, because I am concerned about the 6th Grade Bilingual students at Cuellar Elementary. The 6th grade students have been rotating around, and have been instructed by uncertified General Ed. Teachers. Next week, one bilingual class is supposed to be despersed by sending five bilingual students to each General Ed. class, and each General Ed. class will in turn send five General Ed. students to the Bilingual teacher.

I spoke to Mr. Roberto Manzo with TEA at (1 512-475-2974), and he said that a 6th Grade Bilingual class that is clustered at an Elementary School has to be instructed by Certified Bilingual Teachers. I also asked Mr. Manzo if bilingual students could be mixed with General Ed. students, and he said yes, provided that the teacher was a certified bilingual teacher. I asked if this included Science and Social Studies, and he said yes.

Mr. Manzo said to call him if I had any problems in this matter. Please clarify this matter for us, because we had over 30 bilingual students fail the Language Arts instruction during the 1st six weeks of this year!! I strongly feel that we are not in compliance with TEA, and the bilingual students are not being served as they should be.

Thank you for your time in this matter.

Mr. Gilberto Hernandez

From: Caldwell, Brigitte C
Sent: Friday, October 07, 2011 2:08 PM
To: CLARK, Latonya S; Hernandez, Gilberto
Subject: RE: 6th grade LPAC concern

Latonya,

I spoke with Gilberto Hernandez today regarding sixth grade concerns. He spoke with TEA today and was informed that the 6th graders should receive instruction (including social studies and science instruction) from a certified bilingual teacher.

Mr. Hernandez has the name and phone number of the member of TEA he spoke with today and would like our support in making sure Cuellar Elementary is following guidelines and serving the students properly. I assured him we would follow up on the matter.

Mr. Hernandez, please email Latonya and myself with a summary of the info you received today from TEA.

Have a great weekend.

Brigitte Caldwell
Elementary Instructional Coach
Multi-Language Enrichment Program

From: CLARK, Latonya S
Sent: Friday, October 07, 2011 2:46 PM
To: Caldwell, Brigitte C

Mike Miles
Superintendent of Schools

Dallas
Independent
School
District



ADMINISTRATIVE STATEMENT

DATE: March 21, 2013

CASE NO: 10722

I, Gilberto Hernandez am giving this statement to Chris Lyle, who has identified himself/herself as an Inspector with the Dallas Independent School District and is conducting an administrative investigation. I have been directed to submit this Administrative Statement as stated by School Board Policy DH (LOCAL), describing my actions or any knowledge that I have of the incident. I understand that failure to do so may subject me to disciplinary action up to and including possible termination from employment with the Dallas Independent School District. I further understand that any information or evidence gained through this statement cannot be used against me in any criminal proceeding, except that I may be subject to criminal prosecution for the charge of perjury for any false statement(s) I make.

I also understand that I am required to be truthful in my responses and/or statement(s) that I give and if it is determined that I have been untruthful in my responses, I could be subject to disciplinary action up to and including termination from employment with the Dallas Independent School District.

"The employee's failure to comply with the directive constitutes "insubordination," a violation that will be grounds for disciplinary action up to and including termination."

"When directed by an administrator or a District investigator, an employee shall submit a notarized affidavit. Intentional falsification, misstatement, or the concealment of a material fact in connection with an administrative investigation shall be deemed as "providing untruthful statements" and can be grounds for disciplinary action up to and including termination."

I understand that this investigation is **CONFIDENTIAL** and should not be discussed with others on my campus and/or administration. I may however, discuss this case with my legal representative. In response to this request, I submit the following to Inspector Chris Lyle.

Signature: _____

Witness: _____

Time: 11:30 a.m.

Mike Miles
Superintendent of Schools

Dallas
Independent
School
District



Affidavit

Date: March 21, 2013

The State of Texas County of Dallas

Before me, Chris Lytle, personally appeared Gilberto Hernandez resident in the County of Dallas, State of Texas, on this day at the Dallas Independent School District's Office of Professional Responsibility, who after being duly sworn, on oath, affirm and says:

I reside at 850 Frances Drive, Grand Prairie Texas, 75052 and my telephone number is 469-426-5015.

I am a bilingual teacher at Gilbert Cuellar Elementary School. I believe there have been breaches of confidentiality and a conflict of interest at our school. Last year a teacher [REDACTED] told me a student, [REDACTED], told her she had seen [REDACTED] name on a "non-renew" list that was located in the office. [REDACTED] told me the student told [REDACTED] "I know you are going to be fired." [REDACTED] said the list was on Assistant Principal Garza's desk. I believe that was reckless on the part of an administrator. [REDACTED] is no longer at Cuellar Elementary, but is still working in the District.

[REDACTED] is a fourth grade teacher at Cuellar Elementary School. [REDACTED] told me that she was placed on a growth plan. [REDACTED] told me that the numbers Principal Donnelly used to place her on a growth plan had been falsified. I was going to be placed on a growth plan by the Principal but I believe he did not follow proper procedures with respect to observations and scoring. I was ultimately not placed on a growth plan.

Last year Principal Donnelly, Teacher [REDACTED], Teacher [REDACTED], Teacher [REDACTED] and Counselor [REDACTED], attended a conference in California. [REDACTED] told me that once they arrived for the conference, Principal Donnelly and Teacher [REDACTED] disappeared from the others and were not seen for the remainder of the conference.

One day I saw Teacher [REDACTED] crying. I asked Teacher [REDACTED] what was wrong and she told me that [REDACTED] "cares a lot about the Principal." On two occasions this year, I have seen Principal Donnelly and Teacher [REDACTED] come out of the Principal's office together at 5:30 in the afternoon when no one else was around. Every morning I have seen Principal Donnelly and Teacher [REDACTED] briefing in the principal's office. They also have lunch together every day in the Principal's office.

One day [REDACTED] asked me if I was "really sixty years old." I do not know how [REDACTED] could have known my age unless she was allowed to see or had access to some confidential documents. I am concerned that [REDACTED] may know something about my confidential medical condition and may have information to use against me and the other teachers.

I am concerned that other inappropriate activity may be occurring with respect to activity funds or other matters. I do not have any evidence of missing funds but we never seem to have any funds. The morale is low because of the perceived relationship between the Principal and Teacher [REDACTED].

Mike Miles
Superintendent of Schools



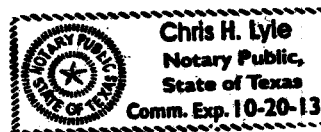
Mr. H. Lyle
Affiant

I have read every paragraph of this affidavit. I have made corrections where necessary GH (Initials)

To the best of my knowledge and belief, I have furnished Inspector Lyle with all documents or items in my possession that relate to the questions asked of me. There is no other relevant information that I have not revealed. There is no other information that Inspector Lyle has not asked me about, and which I know I should provide regarding this matter. I hereby swear and affirm that my statements above are true, accurate, and complete, to the best of my knowledge.

Before me a notary public, on this 21th day of March, 2013, personally appeared, Gilberto Hernandez, known to me to be the person whose name is subscribed to the foregoing affidavit and by me first duly sworn, declared that under penalties of perjury, that the statements therein contained are true and correct.

Chris H. Lyle 3/21/2013
Notary Public



GH init.

~~EXHIBIT C~~
1

MEMO

TO: Dr. Sheryl Wilson, Cuellar Elem. Principal

FROM: Gilberto Hernandez

DATE: 9/27/13

RE: 3rd Request for Classroom Technology

Listed below are my ongoing concerns and my above request for "classroom technology:"

1. At the start of this 2013—2014 school year, you assured me that you were going to provide me with all the necessary technology that I needed in order for me to be successful in teaching the 1st Grade bilingual students. To this date, I still do "not" have any classroom technology.
2. On **Monday, 09/04/13**, you provided me with an In-Focus machine, minus the blue cord that connects to the lab top computer making it impossible for me to use the In-focus machine.
3. After asking me to remind you, I did so on **Thursday, 9/5/2013** at which time you stated "***you had not even looked for a cord.***" Two days later, I asked you a second time at which you said: "***No, you still did not have a cord for my In-Focus Machine.***"
4. The morning of **Thursday, 09/19/13**, I served you with my Informal Grievance Document. By 1:30 PM, you placed the blue cord in my teacher's box.
5. On **Friday, 09/20/13**, I took the In-Focus machine home to incorporate it in my lesson planning only for my wife to discover that **the other cable in the box was stripped and the wires were bare. You placed my students in danger of getting electrocuted had my wife had not caught this damaged wire.**
6. The morning of **Monday, 09/23/13**, I told and showed you the damaged cable. **Again, I asked you if could get another cable for my students and me, to which you** To this date (5+ days later), you have failed to provide my 1st grade Bilingual students and me with an operable cable to use with the In-Focus machine.


7. Disappointed for My 1st Grade Bilingual Students:

- (a) Despite you telling me ***"you would provide me with technology this 2013—2013 school year,"*** it seems that my Bilingual students are ***again*** being put on the back burner ***again*** being neglected the same last school year. It also appears that my Bilingual students are not worthy of having any technology the 1st six-weeks this school year (or longer).
- (b) In addition, the District still has ***not*** come to fix my homeroom computer and white board. On ***Monday, 09/09/13***, as you did a Spot Observation, DISD Computer Tech Carlos entered my classroom and said ***"he would return."*** On ***Thursday, 09/19/13***, I saw Carlos in the hallway and I asked him if he was coming to my room, to which he said ***"No, that he had come to fix the mini computers for the school."*** On ***Wednesday, 09/25/13***, I again saw Carlos at which time I again asked him ***"if he was coming to my room to work on my computers?"*** Again, Carlos said ***"he was very busy working on the other school computers."***

8. **2nd Request for Technology—Incident #002089:** Was requested by me on ***Thursday, 09/26/13***, for the District to come and fix my computer and white board.
9. **Your Goal of Being the #1 School in the Nation:** Surely, you would agree that to achieve the goal your above goal, even my Bilingual students and I need the technology equipment to assist me to help you reach this high goal.
10. **Disparity of Treatment & Being Set Up to Fail:** I have personally observed all of the new, younger teachers recently hired by DISD being issued the technology they need to teach their students (except me, an older veteran teacher). ***Why I am not being considered or provided with the much-needed technology that I deserve (the same as the younger teachers) in order to be successful like the new younger teachers at Cuellar Elementary?***
11. **Working Saturdays & Sundays:** Per your request that I submit to you by Monday morning (9/30/13), the Data Analysis for the 1st six-weeks interim tests, (Science 65 tests, Social Studies 65), the TEKS Analysis for the 2nd six-weeks that include 6 weeks analysis for Science, and 6 weeks analysis for Social Studies, ***and the Lesson Plans which you again changed from Monday to Friday, I will have to use my entire weekend to complete this assignment for you.*** Also, I have to work on my students Grade speed grades for these six weeks. ***Please Note:*** I have informed me if I am required to complete extra work or assignments assigned by the principal that the District is required to pay me for that extra time. ***Please advise me how to record and submit my time to the District.***


In summary, I need to know 'when may I expect to be provided with a good operable cable to the In-focus machine you gave me so that my Bilingual students will not continue to do without technology?' Equally as important, I cannot be held accountable for the lack of technology in my PDAS. Spot Observations. Lesson Plans. etc., as I continue to do my part in asking you and the District for technology assistance. *Please place a copy of this in my personnel file.*

Sincerely,


Mr. Gilbert Hernandez

cc: AFT/ Maria Alvear, Calvin Johnson, Rena Honea
✓ Mr. Chris Lyles, OPR
✓ Lew Blackburn/ DISD Board Member
✓ Josie Gutierrez/ Assistant Superintendent
✓ Jacqueline Lovelace, Executive Director
EEOC/File

Exhibit D

From: Gilberto Hernandez <gihernandez@att.net> 
Subject: Memo of concern # 5 /Summative Conference
Date: March 21, 2014 5:17:37 PM CDT
To: sherwilson@dallasisd.org
Cc: Grievance Maria Alvear <Maria@alliance-aft.org>, "Gilberto gihernandez@att.net" <gihernandez@att.net>

2 Attachments, 44 KB

Dr. Wilson,

My students and I want to take you for finally providing us with an Elmo and an In Focus machine.
The computer teacher, (Mr. Gauthier) came in yesterday and set it up, and we were able to use it today Friday 21, 2014.

Thank you,

Mr. Hernandez



 
MEMO OF C...docx (22 KB) Rebuttal to I...docx (22 KB)

Exhibit E.**HCM | ER**
Non-Renewal Recommendation Letter**Date 4/28/14****TO:** Employee Relations & Support
Legal Review Committee
EmployeeRelationsDP@dallasisd.org**FROM:** *Dr. Sheryl Wilson*

I am recommending to the Superintendent of Schools that the employment for Gilberto Hernandez, 32059, Bilingual teacher at *Gilbert Cuellar Senior Elementary School* be *terminated/non-renewed* pursuant to Board Policy DFAB/DFBB Local.

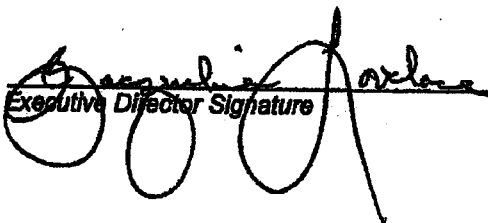
The recommendation to *terminate/non-renew* is being made for the following reasons:

- Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications, or receiving an evaluation with "unsatisfactory" in one or more domains or a "below expectations" in two or more domains.
- Incompetency or inefficiency in the performance of duties.
- Insubordination or failure to comply with official directives.
- Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
- Failure to fulfill duties or responsibilities.
- Behavior that presents a danger of physical or mental harm to a student or to other individuals.
- Failure to fulfill the requirements of a Teacher In Need of Assistance (TINA) plan.

The recommendation has the concurrence of my Executive Director.

Thank you.

cc:


Executive Director Signature3/28/14
Date

March 5, 2014

EXHIBIT # F

To whom it may concern:

"By way of this letter, I want to express that I am very annoyed and disappointed with Dr. Sheryl Wilson, Mrs. Cynthia Garza, and Dallas Independent School District. Since school started in August, she failed to provide us with a written notification that our children would have classes with substitutes. I also know that by law and the district, the principals have to notify by written notifications 30 days after classes have started to the parents, if they don't find or don't have any bilingual teachers for our children. However, they did not do it. The consequences of this, our children went down noticeably in their academic level.

Also, I requested a meeting with principal Sheryl Wilson, and I waited for 4 months without any communication from her. When I asked why she hadn't communicated back with me, she stated she did not feel it necessary because I had already spoken with another teacher. It becomes a matter of disrespect that she makes her own rules and doesn't respect them.

Also, I have requested that they send my daughter to tutoring, since they didn't do anything to help her raise her grades up. I also know that by law, every 1st grade bilingual child has to be given a textbook, and should have been provided since August of 2013. However, they didn't give them the textbooks until February 27, 2014. Also, Dr. Wilson is discriminating my daughter for being Hispanic.

I also know that it is against the law for Ms. Annie to give classes in English to the 1st grade bilingual children. They have not provided the teachers that they should have, and the tools they need. They are not preparing them for second grade. On the contrary, they are confusing them by having a teacher that is speaking and explaining in English, because they are bilingual, and are not being prepared for the second grade in bilingual.

I also know that in fifth grade, they also change the teachers very often to teach different subjects, and they don't allow us to communicate with the teachers. However, they treat us with racism, and discriminate us for being Hispanic, because many parents don't speak English.

In advance, I appreciate your time in listening, and I await for your support to help our children. Thank you for your attention.

Sincerely,

Mrs. Miriam Benitez
House # 214-227-9479
Cell # 214-916-8156.

Exhibit F1.⁵

17. Miriam Benitez—(2/11/2014):

To Whom It May Concern:

"Thru this letter I notify you that the teacher Mr. Hernandez has informed me concerning some issues that occurred today February 11, 2014. Since the teacher (Mr. Hernandez) is responsible for the teaching and school studies of my daughter, this is why he saw it necessary and responsible to notify me of what was happening. My daughter felt intimidated and fearful because she did not know why there were 10 teachers and the principal in the classroom taking information about the teacher and the students. They did not know if they were going to be scolded or if something was going to be called to their attention because they did not know what was happening. I, at no time, have received any written notification (about anything) regarding the teaching of any small child like my daughter who is seven years old.

Attention, stop all of the problems that we are having in the school of Gilbert Cuellar Elementary. We need to have some educated students and respectful, so we can confront a better future without any fears, or fearful, or intimidations. In advance, I thank you for your time in reading my letter."

Sincerely,

Mrs. Miriam Benitez

Phone # 214-227-9479

18. Graciela Cardenas—(2/23/2014):

"I have been informed by Mr. Hernandez that they changed the (Cuellar) principal. They have brought new teachers to evaluate my son without asking for my authorization. I am not in agreement with this and that my son now has a substitute that gives him his lesson in English, but the exams are in Spanish. If my son gets bad/low scores, it is because this decision was made without my consultation.

I authorize Mr. Gilberto Hernandez so he can call me should this happen again, this matter of evaluating my son and I will decide if I will go and pick him up."

Sincerely,

Jose A. Ledezma & Graciela Cardenas

Thank you.

Exhibit F2.
619. Herlinda Ramirez—(2/27/2014):

" The reason for this message is that I am not in agreement with your method of evaluating our children by surprise, without allowing their teacher to prepare them for visits of other teachers. I authorize Mr. Hernandez to please call me to let me know if they come to evaluate my children and he can tell me. My daughter told me that she got scared and this is my reason for being upset.

I authorize Mr. Hernandez, please to call me to inform me what happened to evaluate the children. At the same time, to advise me. My daughter informed me she got scared; this is my reason why I am upset."

20. Gabriela Gomez—(3/2/2014):

To Whom It May Concern:

By way of the present, I write this letter with the end to resolve some problems that I see in the school of Gilbert Cuellar. I am the mother of _____ that studies in 1st Grade. At the beginning of the school year in September everything was fine with his 3 corresponding teachers. Then, about the end of October, without any reason, they took away his mathematics teacher and I felt like they have not advanced like they **should** have in their teaching. I am worried because the first years of study are of essential importance. Another point is that on one occasion I went to take my son out at 2:50 p.m., because I had a doctor's appointment at 3:00 p.m. They did not want to give him to me because they said this were the school rules. I do not like for them to miss class, because of that they only miss maybe 1 hour when they go to the doctor. Another thing, they don't allow the children to enter thru the principal entrance, I don't know what is the problem. I propose that the principal place herself in the front, and start walking towards the back door. Even the children that are bused in the school bus are left at the front door and they have to enter by the back door. THAT TO ME IS AN ABUSE, BECAUSE OF THE COLD THAT WE HAVE. Also, I became aware that **they don't allow them to use sweaters in classes, IF MY SON GETS SICK, I WILL MAKE THEM RESPONSIBLE."** Please, we need bilingual teachers.

Sincerely,

Gabriela Gomez

Phone # 214-499-8919

21. Belen Castillo—(2/25/2014):

To Whom It May Concern:

"I Belen Castillo mother of _____, in first grade, am worried about my daughter. I was never notified to prevent what happened on the day of February 11, when 10 persons or teachers together with the principal entered my daughter's classroom without notifying the teacher or students. They are children, and were really scared. My daughter got sick to her stomach and her head on that day, because she was scared a lot. I would like for this not to occur again, I as a mother do not give my consent for these things that have occurred and they have to do something quickly. Another thing, my daughter has had a substitute for Science for a while, and if the exam is in Spanish, the children will not be able to do it right, because the substitute doesn't speak any Spanish (only English); my daughter is in bilingual. It is a lot of worrying about everything that is happening in this school Gilbert Cuellar Elementary. This is what's happening, the principal Sheryl Wilson together with Ms. Garza are not doing things right; everyday there are new changes and they are not communicated. We have asked to speak with the principal, and it is time for her to give us a meeting. Please, you have to do something. The principal and her assistant come out to speak with us and they are RUDE IN SPEAKING WITH US. As parents, we deserve respect, as well as they. We ask because there are a lot of us having this same problem. We ask that you do something at this school. There are a lot of good teachers academically. We need more like them, and not substitutes. Please do something out of respect.

Sincerely,

Belen Castillo

Phone # 214-986-3302

22. SEE THE ATTACHED SHEET FOR EXHIBIT #22-V:

A 2nd letter from Parent/Mrs. Miriam Benitez.

Home Ph #(214) 227-9479

Cell #(214) 916-8156

December 19, 2013

EXHIBIT #

G.

To Whom It May Concern:

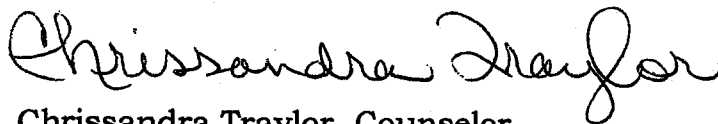
It is with great pleasure that I write this character reference letter for Mr. Gilberto Hernandez. I have had the honor of working with Mr. Hernandez for three years. At all times I have found him to be a man of great integrity who exhibits fervent commitment to his family and work.

In my position as guidance counselor, I have had the opportunity to speak with Mr. Hernandez on several occasions with his concern about students. He is always expeditious in addressing his students' needs and seeking the appropriate assistance if required. While showing sincere compassion and empathy for the students he serves, he sets high expectations for them and works diligently to help each one be successful.

Mr. Hernandez not only exhibits outstanding character to serve as a role model for his students, but for his colleagues as well. He is always professional in his behavior and displays respect at all times. He sets the example for all by being extremely conscientious and adheres to expectations and guidelines. I have personally witnessed his cooperative spirit and have found Mr. Hernandez to be honest, courteous and dependable.

I am happy to provide further information if required.

Sincerely,



Chrissandra Traylor, Counselor
Gilbert Cuellar, Sr. Elementary School
972-749-6410
chritraylor@dallasisd.org

EXHIBIT #

91

12-5-2013

To Whom It May Concern,

I am writing this letter to commend Mr. Gilberto Hernandez for his work with children at Gilbert Cuellar Sr. Elementary School.

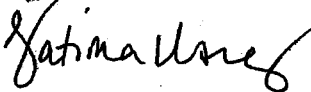
As a teacher for Gilbert Cuellar Sr. Elementary, I've worked with Mr. Hernandez for many years. I was immediately impressed with his sense of commitment for teaching.

Through Mr. Hernandez's love of teaching, he is able to reach many students. Students are taught to express themselves and develop their abilities to the fullest.

Mr. Hernandez involves the creativity of the children in multiple ways. Through his unique teaching, children develop knowledge in a positive learning environment.

Mr. Hernandez's dedication and hard work is very much appreciated.

Sincerely,



Fatima Usrey

Art Teacher

Gilbert Cuellar Sr. Elementary School

To Whom It May Concern,

EXHIBIT #

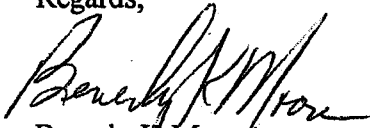
42.

I am very pleased to be asked to write a character reference letter for Mr. Gilberto Hernandez. In the ten years that I've known Mr. Hernandez, I've had the honor of teaching with him on two different grade levels. Mr. Hernandez has proven to be an asset to whatever project or team he has worked with. He has shown to be reliable, trustworthy and have an excellent work ethic which is a reflection of his abilities and hard work.

I'm highly impressed by his dedication to any endeavor that involves the quality of education and professionalism of our school. Mr. Hernandez demonstrates a giving and generous nature with his free time as well. On more than once occasion he has stepped up and gone above and beyond the call to support his co-workers, children and the community which we serve.

In addition to these great qualities, Mr. Hernandez has displayed great enthusiasm and initiative. He has amazing communication skills and a very friendly and outgoing personality. He is a dedicated teacher, friend, professional, and co-worker who would be an asset towards anything he pursues.

Regards,



Beverly K. Moore
Gilbert Cuellar Sr. Elementary
2nd Grade Reading Teacher
Ph. (214) 538-6652
bevmoore@dallasisd.org

EXHIBIT #

93.

To: To Whom It May Concern

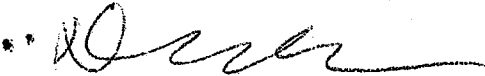
From: David Casco

Subject: Mr. Hernandez

Date: 12/18/13

I have been working with Mr. Hernandez for the past 6 years. Although we never worked in the same grade level, I have noticed that he is always respectable to the staff and also to his students. He is the only teacher that I know of that spends his duty free lunch eating with his students. A few years ago, I had the pleasure in working with him in our vertical alignment professional development. During our professional development Mr. Hernandez provided work samples of what his students were accomplishing in his classroom. The work was quite impressive and the information that he provided for our meetings were informative. I learned from him that 5th graders had the capability to research and create quality work. He has always been helpful and supportive to the needs of his coworkers.

Respectfully yours,



David J. Casco

To: To Whom It May Concern

EXHIBIT #

94.

From: Verleda Christian

Subject: Mr. Hernandez

Date: 12/18/13

I am writing this letter as a character reference for Mr. Hernandez. I know him professionally and have seen how dedicated he is to the profession of Education.

I have been working with Mr. Hernandez for the past 8 years. We worked in the same grade level, one year teaching math and again a few years later teaching Science / Social Studies. During these times I noticed that he is always respectable to the staff and also to his students. He is one of the few teachers that I know of that spends his duty free lunch eating with his students. He works hard to become knowledgeable in the subject area he's teaching. During our professional development Mr. Hernandez shares valuable information to assist those of us who are struggling with a specific lesson or idea. He takes pride in the academic success of his students. He has always been helpful and supportive to the needs of his coworkers.

Mr. Hernandez is easy to work with and seems to really enjoy his profession. It has been a pleasure working with him.

Respectfully yours,

Verleda Christian

Verleda Christian

December 20, 2013

EXHIBIT #

45.

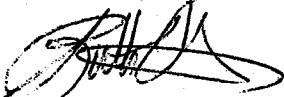
To Whom It May Concern:

It is a great pleasure that I recommend Mr. Hernandez. He is currently serving as a first grade Social Studies and Science bilingual teacher at Gilbert Cuellar Elementary. I have known Mr. Hernandez for more than a year but I had the opportunity to work in the same grade level team from August to November since I was moved to third grade in November. During this time, I was able to get to know him better and share ideas to help our students.

I have noticed that Mr. Hernandez cares for his students and is willing to go the extra mile for them. He motivates and works very hard for his students. It was a big change for him to be moved from fifth grade to first grade but he is continually searching for different ways to help his students to be successful. He communicates very well with his co-workers. He also maintains a constantly communication with the parents of his students.

• He shows an unconditional dedication for his students at Gilbert Cuellar Elementary School. I believe that Mr. Hernandez is a great teacher.

Sincerely,



Mrs. Ortiz

alliance AFT

December 12, 2013

EXHIBIT #

46.

To: Whom it may concern,

I have known Mr. Gilberto Hernandez for seven years.
Mr. Hernandez is a very friendly person.

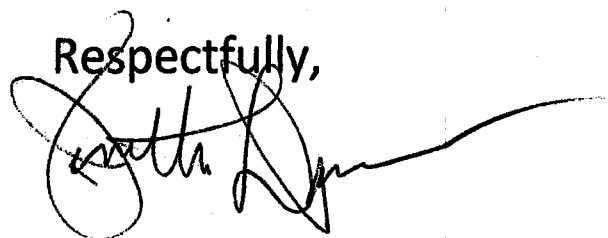
In my years of working with him; I have found him to be
respectful, timely, encouraging and professional at all
times.

Mr. Hernandez treats the students in his class and other
students as well as co-workers with respect.

Mr. Hernandez is always guiding students to strive to be
the best.

I am pleased to say that Mr. Gilberto Hernandez is a very
knowledgeable and respectful person.

Respectfully,

A handwritten signature in black ink, appearing to be "Lizeth", written over the word "Respectfully,".

To Whom It May Concern,

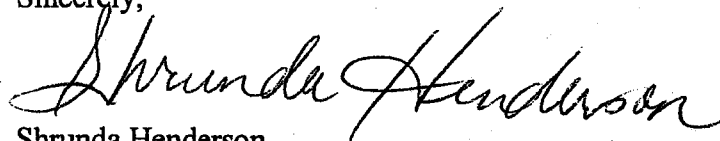
EXHIBIT #

137

The purpose of this is to provide a character reference for Mr. Gilberto Hernandez. Mr. Hernandez possesses many positive and encouraging qualities which make him an ideal candidate for any opportunity he may be pursuing. I have had the chance to get to know Mr. Hernandez both personally and professional level over the course of many years.

Mr. Hernandez's attributes are abundant from him being a quick listener, responsible, helpful and a team player with the ability to multi-task while working under pressure. In addition to working alongside me at Gilbert Cuellar Sr. Elementary, Mr. Hernandez goes beyond average to assist every student personally in a professional manner. He has a unique blend of humor and positive energy that makes him a great friend, educator and professional. I have always known him to treat others with compassion, respect, understanding and professionalism.

Sincerely,



Shrunda Henderson

Gilbert Cuellar Sr. Elementary

P.E. Teacher Assistant

Ph. (214)533-1024



Dallas Independent School District

MIKE MOSES, Ed.D.
GENERAL SUPERINTENDENT

EXHIBIT #

48.

May 12, 2004

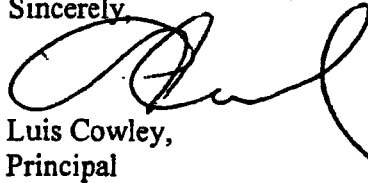
To Whom It May Concern:

I had the pleasure of working with Gil Bert Hernandez as his direct supervisor/principal for two years. Since first meeting him, I have grown to respect and admire him very much. The dedication, hard work, and commitment to his students and fellow employees quickly earned him the respect and admiration of all his co-workers. Mr. Hernandez is a very bright and cheerful person, a real pleasure to know and work with. He was a fabulous first grade teacher. On numerous occasions he has gone the extra mile for the students and the school by volunteering to tutor students, co-sponsor after school programs and do anything asked of her to help the school.

Mr. Hernandez's classroom management skills are excellent. Behavior problems were non-existent in his classroom, and considering the population we are working with, that is a real accomplishment! In his class, you will always find a warm, nurturing, responsive atmosphere conducive to a healthy and productive learning environment. He exhibits all the qualities that distinguish an outstanding educator with deep concern for children. Mr. Hernandez's commitment to education and the personal growth and development of children is reflected in his students' success.

In conclusion, it is without reservation that I recommend Mr. Gil Bert Hernandez. He is an exemplary employee. Gil Bert's superior organization skills, application of principles of effective teaching and learning practices, interpersonal skills and work ethics coupled with his experience working with students from diverse cultural and socio-economic backgrounds made him a very valuable asset to our school.

Sincerely,


Luis Cowley,
Principal
Leslie A Stemmons Elementary School

LESLIE A STEMMONS ELEMENTARY SCHOOL

LUIS COWLEY
PRINCIPAL

2727 KNOXVILLE DALLAS, TEXAS 75211 PHONE (972) 794-4900 FAX (972) 794-4901